



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

February 2, 2015

Michael Hicks
District of Columbia Division
Federal Highways Administration
1990 K Street, NW
Suite 510
Washington DC, 20006-1103

SUBJECT: Comments to the South Capitol Street Draft Supplemental Environmental Impact Statement, Washington DC, December 2014 (CEQ#: 20140359)

Dear Mr. Hicks,

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed and prepared comments on the referenced project. The Draft Supplemental Environmental Impact Statement (DSEIS) was prepared jointly by the DC Department of Transportation (DDOT) and Federal Highway Administration (FHWA).

The purpose of the project is to address safety, mobility, accessibility and economic development for the South Capitol Street corridor. A Draft Environmental Impact Statement (DEIS) was prepared in 2008 which included three alternatives (including the no build) to address the needs in the corridor; the selection of a preferred alternative was presented in the Final Environmental Impact Statement (FEIS) in 2011. EPA submitted comments on both documents and rated the DEIS an EC-2, indicating that environmental concerns associated with the project should be addressed. The preferred alternative identified in the Final document addressed EPA's concerns of PM2.5 analysis, noise mitigation, and stormwater from the construction of the new bridge.

The FEIS had three alternatives with a preferred alternative that consisted of a swing-span type of bridge to accommodate vessels. The result of a study conducted after the publishing of the FEIS, the Anacostia River Navigation Evaluation Final Report (DDOT, 2014), determined that a swing-span bridge was not necessary and that a fixed bridge would be able to accommodate most vessel types passing underneath the new Fredrick Douglass Memorial Bridge. A redesign of the preferred alternative was done in 2013 named the 'Revised Preferred Alternative' consisted of a re-alignment of the bridge to preserve its visual integrity, a design change of the eastern traffic oval to replicate the western traffic oval, a change from a swing-span bridge to a fixed bridge, and other road realignments. This DSEIS only has one alternative and is the study of the effects to the changes of the design from the FEIS.

EPA supports changes in the design from the original preferred to the Revised Preferred Alternative that will result in fewer business displacements and use Low Impact Development (LID) technologies for the control of stormwater for new roadways and the new bridge. The project is designed to increase pedestrian and bicycle traffic, improve the safety of the bridge, and improve the visual characteristics of the area which will hopefully bring an economic and social benefit to the surrounding community.

EPA has some concerns for potentially adverse impacts associated with the proposed action, including added impervious surface, measurable impacts to natural resources and identification of environmental justice populations. It is recommended that additional information be included in the Final SEIS to address some of the following concerns (please see enclosure for detailed comments). Though submerged aquatic vegetation (SAV) may be a limited resource in the study area, SAV is a highly valuable natural resource; updated surveying and monitoring of the resource may be warranted. It is unclear if the additional 0.7 acres of impervious surface (above existing conditions) is mitigated within the design of the project. The DSEIS presents impacts to wooded areas (2.1 acres); mitigation or replacement should be identified when possible. It would be helpful if information on construction, staging, and temporary impacts during construction were better defined to the extent possible. Potential increase in noise in certain areas and the absence of a communication plan to the community on the project should be addressed in the Final SEIS.

EPA rates the Revised Preferred Alternative EC-2, for environmental concerns and insufficient information on proper mitigation for wetlands and other adverse impacts to the environment. A copy of the EPA EIS rating system can be found at the following link: <http://www.epa.gov/compliance/nepa/comments/ratings.html>. EPA Region III looks forward to working with DDOT and FHWA to address the concerns stated above and in the attached detailed technical comments and expects that additional impact minimization can be performed for the FSEIS and through project design.

Thank you for the opportunity to provide comments on the SDEIS for South Capitol Street. If you have any questions regarding this letter, please feel free to contact Tom UyBarreta at 215-814-2953 or email him at Uybarreta.Thomas@epa.gov.

Sincerely,



Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs Branch

Enclosure

Enclosure

South Capitol Street Environmental Impact Statement

P 2-15 One major section of the project will create a newly designed at-grade intersection at the crossing of M Street and South Capitol. Please state if fill will be used to create the at-grade intersection. How will the new stormwater drainage affect existing stormwater infrastructure? Please describe any changes to the existing walls to create proper drainage.

P 2-28 We applaud the project's use of green space in the traffic circles and lining the South Capitol Streets as depicted in Figure 2-12 and 2-16. EPA would like to encourage the use of native trees and plants in the greening of the new South Capitol Street project. The use of native trees and plants reduces the use of water and prevents infestation of invasive species.

P 3-7 Though the conditions are considered poor habitat for the Atlantic Sturgeon, EPA agrees with the suggestions laid out in the Appendix F to help mitigate any impact on the Atlantic sturgeon and other fish in the Anacostia River.

P3-20 It is suggested that the following parks be added to the public facilities affected by construction. It is unclear if the construction of the Revised Preferred Alternative and new alignments affect usage and access to the following parks:

- Randall Rec Center
- Garfield Park
- Hansburgh Park
- King – Greenleaf Rec Center
- Barry Farm Rec Center
- Anacostia Park

P 3-45 Appendix H and Table 3-14 present 'Properties of Concern' using various assessment techniques. The 56 sites are ranked 'High,' 'Medium,' and 'Low' concern. It would be helpful to provide the reader information on the method used to rank facilities and how the risk ranking affects planning, potential cleanup, and construction of the project.

Additional questions concerning specific sites from Table 3-14:

- #8 Poplar Point Nursery is currently a CERCLA site that would potentially effect construction because of existing contamination and ongoing cleanup. Details of the location of the contamination should be presented to the public and how construction of the Revised Preferred Alternative will affect cleanup and the community.
- #20 Both Superior Concrete and Superior Concrete Materials are Leaking Underground Storage Tanks (LUST) facilities on the South Capitol Street that are 'planned advance acquisitions'. Please explain 'planned advance acquisitions' and if remediation of the property will be affected.
- #23 Concerning the site, Metro Building Supply, it would be helpful if more information is provided in the FEIS to help the public understand why the site is considered 'high risk'. It is suggested that DC Department of the Environment (DDOE) be notified if contamination is found.
- #30 It is unclear why there is a high level of risk associated with a newly constructed apartment complex. Please explain location or risk vector.

P 3-51 Traffic data in the DSEIS was collected from November 2009 and February 2010 to calculate future level of service (LOS) for 2020 and 2040. Please explain if/how it was determined that current traffic information (between 2013 and 2014) would not be needed to assess the alternative in the DSEIS.

P 3-60 Construction of the new bridge, new alignments and beatification projects will affect car traffic and the commuting public in the neighborhood. Please describe how construction of the project could affect bus service and bus stops. Is there a way that the public will be notified of changes to service? How will changes to South Capitol Street affect access to buses and other forms of mass transit? It is suggested that DC DOT find ways to actively communicate to those affected by the project construction of the changes to bus service and bus stops.

P4-3 Table 4-1 indicates there is an impact of 0.04 acres of wetlands located adjacent to I-295. As mentioned in the DSEIS, the design may allow the avoidance of the wetland. If unavoidable, please state how compensatory mitigation will be done.

P 4-4 Table 4-1 shows the Revised Preferred Alternative will remove wooded area (within Anacostia Park) by 2.1 acres. Wooded areas such as those in the Anacostia Park help reduce urban runoff and help reduce air pollution. If further avoidance of the resource cannot be achieved, a plan for mitigation and replacement should be presented as close to the impacted area as possible.

P 4-8 The SDEIS mentions that the FEIS had considered using the Commercial Driving Training Lot as a staging area for construction. EPA encourages that a defined planned construction staging area be determined in the Final SEIS and is communicated with the public and coordinated with the proper agencies.

P 4-10 Potential temporary impact of CO/diesel fumes from truck traffic and construction equipment during the construction phase of the project should be assessed. Any sensitive communities that may be affected should be identified. EPA encourages mitigation to decrease exposure for citizens and those working on the project from dust and emissions of the construction equipment. Some examples of best management practices include keeping construction equipment tuned and not driving over 15 mph with large construction equipment. Please state if BMPs are being adopted for construction.

P 4-12 As mentioned on page 53 of Appendix H, there are 56 properties of concern in the area due to potential hazardous waste or contamination from LUSTs. Even though the project site has not changed in size, the revised alternative of the DSEIS has 14 more sites than in the FEIS. If possible, please explain the reason for the change in number of properties; it is suggested that the community be informed that there is a possibility that more areas of concern can be found as the project moves forward.

P 4-34 The DSEIS explains that any mitigation to decrease noise impacts are cost prohibitive. Noise impacts will affect residential areas, schools, and recreational areas within the project area. Please describe any outreach to the affected community to explain the potential impacts and noise effects.

P 4-53 Section 4.9.1 introduces the visual changes from the project. The description of the visual changes are difficult to follow and should be accompanied by photos of existing

conditions. It would be helpful to the community if artist renditions can be made of visual effects of each landscape unit described.

P 4-67 EPA appreciates the inclusion of both pedestrian and bike facilities into the design of the project. An increase in pedestrian traffic can have aesthetic, environmental, and economic benefits for the local community and allowing bicycle access will help the District keep consistent with its Bicycle Master Plan. A concern with Table 4-15 is that there are no diagrams of the interchanges between South Capitol and the traffic circles on both sides of the new bridge. It may be helpful to have a descriptions and diagrams on how these interchanges will operate safely with bicycle, pedestrian, and road traffic.

P 4-76 Table 4-17 and Table 4-18 show the changes in traffic between the FEIS Preferred and the Revised Preferred Alternative. There are a number of intersections that show reduced level of service (LOS) including several intersections that will be rated E and F for both 2020 and 2040. Three intersections are specifically noted for their low LOS ratings: South Capitol St at E Street/Washington Ave SW, Firth Sterling Ave SE at DHS West Access Road and M Street SW at Half Street SW. The DSEIS has written mitigation options for M Street but does not have mitigation measures for the first two intersections. If available, mitigation measures should be presented for the intersections of South Capitol St /E Street and First Sterling Ave and the DHS West Access Road. The intersections of M Street and Half Street for the Revised Preferred Alternative has a reduced Level of Service from the preferred alternative as published in the FEIS (B LOS to F LOS); additional information on potential mitigation is recommended as the project goes through the FSEIS and project design.

P 4-91 As mentioned, there are schools that will be affected by construction of the project. In addition to the mitigation suggested in Section 4.13.2, it is suggested to contact the schools and community facilities directly to inform them of project timelines and changes through telephone and email. This will allow for a clear understanding for community leaders. It is also suggested to create and post a project website for the community of construction progress, road closures, and changes to the project.

P4-97 Mitigation for disturbance to water quality and floodplains is described to reduce the impact to the Anacostia River from the construction of the new bridge. Please provide more detail on the removal method of the existing pilings and mitigation to prevent disturbance to water quality. The removal method should be described in the FSEIS particularly if it differs from the FEIS.

P4-98 A new aquatic vegetation survey should be considered as part of the mitigation measures for the construction of the bridge. As mentioned on page 3-4 of the DSEIS, the last assessment of submerged aquatic vegetation was done in 2004. Mitigation measures should be made to reduce the disturbance of aquatic vegetation in the area of construction and downstream in coordination with the Army Corps of Engineers.

P 4-106 The DSEIS appears to require additional Parklands information (section 4.13, associated with Table 4-20). Detail should be added to discuss mitigation measures for all the parks in the project area during construction and operation of the new bridge and roads. Suggestions for these measures may include signage for park closures and entrance changes and ways to communicate other changes to park users.

Environmental Justice (EJ)

The DSEIS has been reviewed by an EPA Region III EJ specialist. Concern has been stated that the methodologies of identifying low-income and minority populations appears to be flawed. Please find below suggestions for methodology for identification of EJ communities. Identification of the communities is fundamental in analysis of potential impacts, adverse/disproportionate effects, appropriate mitigation and appropriate out-reach for this on-going project.

- a. CEQ's Guidance on EJ under NEPA (1997) for Executive Order 12898 provides a two tiered approach to identifying minority populations. The text does not indicate that the same methodology applies to identifying low-income populations. Using the 50% benchmark for low-income populations is not appropriate. It would be more appropriate to base the low-income benchmark on DC's low-income percentage. The DC low-income percentage identified in the document is 18.5%. Using this percentage as the benchmark plus an additional 10% of that value (18.5×1.1 or 110% of the value, equaling 20.35%).
- b. The 50% benchmark for minority populations is exceeded by five of the eight census tracts as has been correctly identified in this document. Please clarify the second benchmarking value. If the DC percent minority is 65.2%, the 50% benchmark value should still be used. If 10% is then added to the 65.2%, the error is compounded. There should not be any benchmarking values exceeding 50%. This should be corrected to prevent compounding to occur.

An example of the above is in the following statement: "The census data revealed that the Project Area census tracts contained a percentage of minority persons (71 percent) which is slightly higher than the District average of 65.2 percent." The percentage of minority population exceeds 50%.

- c. Executive Order 12898 refers to minority and/or low-income populations as areas of EJ concern. It is not clear that EJ delineation was minority and/or low income.
- d. All of the census tracts in the study area should be included in the assessment.